

To: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA;CN=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]; N=Bruce Herbold/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]; N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Carolyn Yale/OU=R9/O=USEPA/C=US
Sent: Wed 4/29/2009 9:12:18 PM
Subject: summary of the NMFS biol op on 3 pesticides- requirements for EPA Carbamate BiOp 04-20-09.pdf

Hi, re the request for bottom line, what's required in this new biol opinion, I extracted some info and have attached the file. (My read is a skim.) If you just want to look at the RPA and RPM, start at doc page 487.

Mostly it's about requiring buffering thru labeling, and getting EPA to monitor (and presumably disclose) the results of this regulatory approach..

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NOAA Biological Opinion on EPA proposed registration of pesticides (carbofuran, carbaryl, and methomyl). April 20, 2009. Cover letter from Jim Lecky, Director, Office of Protected Resources, to Debbie Edwards, Director, Office of Pesticide Programs.

The BioOp considers 28 species of listed Pacific salmonids – 22 found jeopardized. Registration for carbofuran is being cancelled – included because timing uncertain.

In CA, listed salmonids:

Chinook: CA coastal, Central Valley spring run, Sacramento winter run

Coho: Central CA coast

Steelhead: Central CA coast, CA Central Valley, Northern CA, South-Central CA coast, and Southern CA coast

Effects of the proposed action (registration)—two aspects:

Effects on the listed species (jeopardize continued existence)

Effects on critical habitat (destroy or adversely modify). For all salmonids listed in CA there has been designation of critical habitat.

Conclusions (for CA):

Separate determinations are made, by species, regarding effects on species and on critical habitat. Tables 81 and 82, pp. 485-486, summarize the determinations.

Of the CA salmonids only Northern CA steelhead determined 'no jeopardy' and no adverse modification of designated habitat (for all three pesticides).

Reasonable and Prudent Alternative (FIFRA labeling):

Specifies requirements for labeling products containing these pesticides. Key requirement:

Mandatory salmon habitat buffers within which no pesticide application. Depending on rate of pesticide application, ground application buffers are 200-600 ft; aerial application requires 1000' buffer. "Salmonid habitat" covers fresh, estuarine, and nearshore waters, and 'all known types of off-channel' habitats, including drainages, ditches and other conveyances accessible to fish (e.g., unscreened).

Other requirements:

No applications when windy, or high (saturated) soil moisture

Monitoring for effectiveness in off-channel habitats

See p. 487 ff for the details.

Reasonable and prudent measures:

Monitor the impacts of long-term registration of products with these pesticides; evaluate the

effects of pesticide misapplication in the affected habitats and on species;
Minimize incidental take by reducing potential of chemicals reaching the water
Monitor incidental take and report to NMFS annually.

Observation: Characterization of critical habitat – specifically, of ‘essential features’ and their value in species conservation-- could be of use in defining essential riverine functions and characteristics (ie., San Joaquin case).

Carolyn Yale, Ph.D.
US EPA, WTR-3
75 Hawthorne St.
San Francisco, CA 94105
phone: 415-972-3482
fax: 415-947-3537
yale.carolyn@epa.gov